

TREE REMOVAL PERMIT

FILE NO.	TR15-421
LOCATION OF PROPERTY	1218 Cherry Avenue San Jose, CA 95126
ZONING DISTRICT	R-1-8 Single-Family Residence
ENVIRONMENTAL STATUS	Exempt per CEQA Guidelines Section 15301 for Existing Facilities.
OWNER/ADDRESS	Ryan Azus & Kelly O'Connor 9588 Cherry Avenue San Jose, CA 95126

After investigation and hearing held pursuant to Chapter 13.32 of the San José Municipal Code, the Director of City Planning finds that:

1. **The Cedar tree was removed without the benefit of permits. Approval of this permit establishes a penalty replanting requirement in addition to standard replanting requirements.**

Based upon the above-stated finding, the Director of Planning **approves** the subject **Live Tree Removal Permit to establish replanting requirements for one Cedar tree approximately 94 inches in circumference which was removed without the benefit of permits, located in the side yard of a single-family residence, on an approximately 0.37 gross acre site, in the R-1-8 Single-Family Residence Zoning District** subject to the following conditions:

1. **Replacement Trees. Within 30 days of approval of this Permit, the applicant shall replace the tree removed with four (4) 15-gallon or larger trees to be planted on the same property as the tree that was removed.**

The replacement trees may be street trees planted in the public right-of-way along the project frontage, if street trees do not currently exist. (Contact the City Arborist for the designated street tree.)

Alternatively, two (2) trees of the replacement trees requirement may be satisfied by donation of \$300.00 per tree to the "Our City Forest" non-profit organization, (408) 998-7337 or www.ourcityforest.org. A donation receipt to "Our City Forest" for offsite tree planting shall be provided to the Planning Project Manager within 30 days of approval of this Permit.

The applicant shall provide appropriate evidence such as, but not limited to, photographs and/or receipts to the Planning Project Manager within 30 days of planting of the trees, to verify compliance with the mitigation requirements. Such evidence should be labeled **TR15-421** and sent to the Planning Project Manager.

2. **Permit Posting.** Prior to commencement of and during replanting of any replacement trees pursuant to this Permit, the applicant shall post on the site, or cause to be posted, a copy of this validated Permit in conformance with the following:

- a. The copy of the permit shall be a minimum size of 8.5 by 11.0 inches; shall be posted at each public street frontage within 2 feet of the public sidewalk or right-of-way; and shall be posted in such a manner that the permit is readable from the public sidewalk or right-of-way; or
 - b. If the site does not have a public street frontage, a copy of the permit shall be posted at a location where the permit is readable from a common access driveway or roadway.
3. **Presentation of Permit.** During replanting of any replacement trees pursuant to this permit, the applicant shall maintain the validated permit on the site and present it immediately upon request by the Director of Planning, Building and Code Enforcement, Police Officers or their designee.

The Director's decision may be appealed to the Planning Commission by submitting a completed Notice of Appeal on the form available in the Department of City Planning and Building and a \$2,232.00 fee. The appeal must be delivered in person and received on or before **5:00 p.m., November 30, 2015**

If the Director's decision is not appealed, this Permit may be executed and the trees replanted the day following this appeal period. A copy of the Validated Permit will be mailed to you, and available in the Planning Department located on the 3rd Floor Tower of City Hall. If the decision is appealed, your Project Manager will notify you; you may not execute the Permit or replant the trees until after the Planning Commission makes a decision on the appeal.

APPROVED and issued by the Director of Planning on this day, **November 18, 2015.**

HARRY FREITAS, DIRECTOR
Planning, Building and Code Enforcement

Deputy

PLEASE NOTE: Permit not valid for tree removal until after November 30, 2015 and until countersigned below:

PERMIT VALID ON DECEMBER 1, 2015.

HARRY FREITAS, DIRECTOR
Planning, Building and Code Enforcement

Deputy

